

PATENT
Attorney Docket No. 102.0003-05000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**
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In re Application of:
Gary K. Michelson, M.D.
Serial No.: 10/692,545
Filed: October 24, 2003
For: DISTRACTOR FOR USE IN
SPINAL SURGERY

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Confirmation No. 1113
Group Art Unit: 3731
Examiner: U. Ho

OCT 19 2005

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the non-U.S. patent documents are attached.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

English abstracts/translations of the non-English language documents are attached as indicated.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: October 19, 2005

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OMB 0651-0031

Substitute for FORM PTO-1449			Attorney Docket Number 102.0003-05000		Customer No. 22882	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION			Applicant Gary Karlin Michelson		Application Number 10/692,545	
(Use several sheets if necessary) Sheet <u>1</u> of <u>1</u>			Filing Date October 24, 2003		Group Art Unit 3731	Examiner Uyen Ho
U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,682,177	8/1972	Ames et al.			
	4,488,549	12/1984	Lee et al.			
	4,522,201	6/1985	Tongue			
	4,711,609	12/1987	Seefluth			
	4,733,995	3/1988	Aebi			
	Des. 312,310	11/1990	Michelson			
	5,049,150	9/1991	Cozad (deceased)			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	4 036 804	5/1992	Germany			Abstract Only
	1 050 383	12/1966	Great Britain			N/A
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
	Olerud, Sven et al.; TRANSPEDICULAR FIXATION OF THORACOLUMBAR VERTEBRAL FRACTURES; No. 227; February 1988; pp. 44-51.					
	Edeland, H.G.; OPEN REDUCTION OF CENTRAL COMPRESSION FRACTURES OF THE TIBIAL PLATEAU, Preliminary Report of a New Method and Device Arrangement; Acta orthop. scand. 47, 1976; pp. 686-689.					
	Daniaux, H.; TRANSPEDIKULÄRE REPOSITION UND SPONGIOSAPLASTIK BEI WIRBELKÖRPERBRÜCHEN DER UNTEREN BRUST- UND LENDENWIRBELSÄULE; Unfallchirurg No. 89, Springer-Verlag 1986; pp. 197-213; with translation.					
EXAMINER		DATE CONSIDERED				
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.						